

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 15-20652

Plaintiff,

HON. GEORGE CAREM STEEH

v.

D-4 COREY BAILEY,  
D-6 ROBERT BROWN II,  
D-13 ARLANDIS SHY,  
D-19 KEITHON PORTER

Defendants.

**MOTION TO VACATE CONVICTIONS AND TO DISMISS COUNT 32 OF  
THE SIXTH SUPERSEDING INDICTMENT**

NOW COMES the United States of America by and through undersigned counsel and hereby moves to vacate convictions and dismiss Count 32 of the Sixth Superseding Indictment and in support of its motion, states:

1. The defendants were charged in the Sixth Superseding Indictment with several charges, including Count 32, possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. §§ 924(c)(3)(B) and 2.

2. On August 27, 2018, a jury convicted the defendants of multiple counts, including Count 32.

3. On March 29, 2019, the defendants filed a motion to vacate their convictions for Count 32 (Dk. No. 1356), arguing that 18 U.S.C. § 924(c)(3)(B) is unconstitutionally vague.

4. On June 24, 2019, the United States Supreme Court decided *United States v Davis*, --- U.S. --- (2019), wherein the Court concluded that the “residual clause” found in 18 U.S.C. § 924(c)(3)(B) is unconstitutional.

5. As a result of the Supreme Court’s decision in *Davis*, the defendants’ convictions for Count 32 of the Sixth Superseding Indictment must be vacated and dismissed.

6. Accordingly, the government requests that the Court enter an order vacating the defendants’ convictions for Count 32 of the Sixth Superseding Indictment and dismissing Count 32 of the Sixth Superseding Indictment.

Respectfully Submitted,

MATTHEW SCHNEIDER  
UNITED STATES ATTORNEY

s/ A. Tare Wigod  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
(313) 226-9191  
[tare.wigod@usdoj.gov](mailto:tare.wigod@usdoj.gov)

s/ Mark Bilkovic  
Assistant United States Attorney  
211 W. Fort St., Suite 2001  
Detroit, Michigan 48226  
Phone: (313) 226-9623  
[mark.bilkovic@usdoj.gov](mailto:mark.bilkovic@usdoj.gov)

Submitted: July 19, 2019

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 15-20652

Plaintiff,

HON. GEORGE CARAM STEEH

v.

D-4 COREY BAILEY,  
D-6 ROBERT BROWN II,  
D-13 ARLANDIS SHY,  
D-19 KEITHON PORTER

Defendants.

**ORDER VACATING CONVICTIONS AND DISMISSING COUNT 32 OF  
THE SIXTH SUPERSEDING INDICTMENT**

Upon the Court's consideration of the government's motion to vacate convictions and to dismiss Count 32 of the Sixth Superseding Indictment, for the reasons contained in the government's motion:

IT IS ORDERED that the Defendants' convictions for Count 32 of the Sixth Superseding Indictment are vacated.

IT IS FURTHER ORDERED that Count 32 of the Sixth Superseding Indictment is dismissed.

Entered: July 30, 2019

**s/George Caram Steeh**  
Hon. George Caram Steeh  
United States District Judge